

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STATE OF UTAH, ET AL,

Plaintiff,

v.

SCOTT TURNER, in his official capacity as Secretary of Housing and Urban Development, ET AL,

Defendants.

No. 25-cv-1

DECLARATION OF ATTORNEY JOSEPH SCOTT ST. JOHN

I, Joseph Scott St. John, am over the age of 18. I am counsel of record for Plaintiff NAHB. I have personal knowledge of the facts set forth herein. If called as a witness, I could testify competently to those facts. I make this declaration in support of Plaintiffs' Motion for Summary Judgment. I declare as follows:

STATUTORY HISTORY AND BACKGROUND

1. Attached as Exhibit 1 is a true and accurate excerpt of the Cranston-Gonzalez Act.
2. Attached as Exhibit 2 is a true and accurate excerpt of the Energy Policy Act of 1992.
3. Attached as Exhibit 3 is a true and accurate excerpt of 3 S. Print 103-91 (1994).
4. Attached as Exhibit 4 is a true and accurate excerpt of 6 S. Print 103-91 (1994).
5. Attached as Exhibit 5 is a true and accurate excerpt of the Energy Policy Act of 2005.
6. Attached as Exhibit 6 is a true and accurate excerpt of the Energy Independence and Security Act of 2007.

7. Attached as Exhibit 7 is a true and accurate printout from the New York Division of Corporations website.

8. Attached as Exhibit 8 is a true and accurate printout of an IRS Form 990 as obtained from guidestar.org.

9. Attached as Exhibit 9 is a true and accurate printout from the website of the U.S. Copyright Office.¹

10. Attached as Exhibit 10 is a true and accurate printout from the Delaware Division of Corporations website.

11. Attached as Exhibit 11 is a true and accurate printout of an IRS Form 990 as obtained from guidestar.org.

12. Attached as Exhibit 12 is a true and accurate printout from the U.S. Copyright Office.²

13. Attached as Exhibit 13 is a true and accurate copy of the 2006 IECC Preface, as obtained from iccsafe.org.

14. Attached as Exhibit 14 is a true and accurate excerpt of a document obtained from energycodes.gov.³

15. Attached as Exhibit 15 is a true and accurate printout from iccsafe.org.⁴

16. Attached as Exhibit 16 is a true and accurate printout from aceee.org.⁵

¹ <https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?v1=4&ti=1,4&Search%5FArg=%22ANSI%2FASHRAE%2FIES%20Standard%2090%2E1%22&Search%5FCode=FT%2A&CNT=25&PID=mkFGVfAg7ObS4h68jEubKQDtChmH&SEQ=20250427182516&SID=4>

² https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?Search_Arg=2021+International+Energy+Conservation+Code&Search_Code=TALL&PID=DNUeimVrhC3b6ZFS_Pe9hPxzLdbI&SEQ=20250427193754&CNT=25&HIST=1

³ https://www.energycodes.gov/sites/default/files/2025-01/Res_Elec_Ready_TB.pdf

⁴ <https://www.iccsafe.org/about/periodicals-and-newsroom/icc-pulse/the-international-code-council-board-of-directors-makes-final-decision-on-2024-iecc-appeals-and-addresses-preemption-challenges/#:~:text=The%20International%20Code%20Council%20Board%20of%20Directors%20determined%20that%20the,residential%202024%20IECC%20codes%20is>

⁵ <https://www.aceee.org/blog-post/2024/02/code-council-violating-its-own-rules-putting-building-decarbonization-measures>

17. Attached as Exhibit 17 is a true and accurate printout from aceee.org.⁶

18. Exhibits 18-49 are intentionally omitted.

ADMINISTRATIVE RECORD

19. Attached as Exhibit 50 is a true and accurate copy of the Preliminary Affordability Determination published at 79 Fed. Reg. 21,259 (Apr. 15, 2014).

20. Attached as Exhibit 51 is a true and accurate copy of the Final Affordability Determination published at 80 Fed. Reg. 25,901 (May 6, 2015).

21. Attached as Exhibit 52 is a true and accurate copy of the Preliminary Determination, 88 Fed. Reg. 31,73 (May 18, 2023).

22. Attached as Exhibit 53 is a true and accurate copy of a 2021 National Cost Effectiveness of the Residential Provisions of the 2021 IECC, as referenced in 88 Fed. Reg. at 31,784 n.38 and downloaded from energycodes.gov.⁷

23. Attached as Exhibit 54 is a true and accurate copy of a comment by Leading Builders of America, as obtained from regulations.gov.⁸

24. Attached as Exhibit 55 is a true and accurate copy of a comment by D.R. Horton, as obtained from regulations.gov.⁹

25. Attached as Exhibit 56 is a true and accurate copy of a comment by the Mortgage Bankers of America, as obtained from regulations.gov.¹⁰

26. Attached as Exhibit 57 is a true and accurate copy of a comment by NAHB, as obtained from regulations.gov.¹¹

⁶ <https://www.aceee.org/press-release/2024/03/international-code-council-caves-special-interests-axes-decarbonization>

⁷ https://www.energycodes.gov/sites/default/files/2021-07/2021IECC_CostEffectiveness_Final_Residential.pdf

⁸ <https://www.regulations.gov/comment/HUD-2023-0034-0118>

⁹ <https://www.regulations.gov/comment/HUD-2023-0034-0102>

¹⁰ <https://www.regulations.gov/comment/HUD-2023-0034-0109>

¹¹ <https://www.regulations.gov/comment/HUD-2023-0034-01n24>

27. Attached as Exhibit 58 is a true and accurate copy of a comment by the State of Montana, as obtained from regulations.gov.¹²

28. Attached as Exhibit 59 is a true and accurate copy of a Regulatory Impact Analysis, as obtained from regulations.gov.¹³

29. Attached as Exhibit 60 is a true and accurate copy of the HIRL 2021 IECC Residential Cost Effectiveness Analysis, as referenced at 89 Fed. Reg. at 33,133 n.50.

30. Attached as Exhibit 61 is a true and accurate copy of the methodology paper cited in the HIRL 2021 IECC Residential Cost Effectiveness Analysis.¹⁴

31. Exhibit 62 is intentionally omitted.

32. Attached as Exhibit 63 is a true and accurate copy of PNNL's Cost-Effectiveness Analysis of the 2009 and 2012 IECC Residential Provisions – Technical Support Document, as referenced at 88 Fed. Reg. 31,784 and downloaded from pnnl.gov.¹⁵

33. Attached as Exhibit 64 is a true and accurate copy of PNNL's Methodology for Evaluating Cost-Effectiveness of Residential Energy Code Changes, as referenced at 88 Fed. Reg. 31,784 n.43, and downloaded from energycodes.gov.¹⁶

34. Attached as Exhibit 65 is a true and accurate copy of Final Affordability Determination published at 89 Fed. Reg. 33,112 (Apr. 26, 2024).

35. Exhibits 66-99 are intentionally omitted.

36. Further declarant sayeth naught.

¹² <https://www.regulations.gov/comment/HUD-2023-0034-0111>

¹³ <https://www.regulations.gov/document/HUD-2023-0034-0129>

¹⁴ <https://www.nahb.org/-/media/NAHB/advocacy/docs/top-priorities/codes/codes-and-research/calculation-methodology.PDF?rev=fe5b54a7a5284917baa34cc17c9746ea&hash=5DA68CDDBA9DFACD4522129B6049B1E5>

¹⁵ https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-22068.pdf

¹⁶ https://www.energycodes.gov/sites/default/files/2021-07/residential_methodology_2015.pdf

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in New Orleans, Louisiana this 28th day of April, 2025.

/s/ Joseph Scott St. John